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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 13 March 2008 from the Permanent Representative of Andorra to the United Nations addressed to the Chairman of the Committee

I have the honour to transmit to you herewith the report submitted by the Principality of Andorra in addition to the matrix, duly completed in order to facilitate consideration of the report (see annex).

The Government of Andorra is at the disposal of the Committee should it require any further information on the subject.

I should be grateful if you would circulate this letter and the attached documents to the members of the Security Council Committee established pursuant to resolution 1540 (2004).

(*Signed*) Carles **Font-Rossell**
Ambassador
Permanent Representative

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Annex to the letter dated 13 March 2008 from the Permanent Representative of Andorra to the United Nations addressed to the Chairman of the Committee

General remarks

The Government of the Principality of Andorra thanks the Committee established pursuant to Security Council resolution 1540 (2004) for its letter dated 17 October 2007 and has the honour to submit further information on the implementation of Security Council resolution 1540 (2004). The present report was drafted on the basis of information provided by the Ministry of Justice and Internal Affairs, the Ministry of Foreign Affairs, Andorran Customs and the Department of Industry and Transport within the Ministry of Agriculture and Economic Affairs.

It is important to remind the Committee that Andorra has no army and possesses no weapons of mass destruction of any kind, whether biological, chemical or nuclear. Moreover, it has never allowed any activity or industry related to the utilization of nuclear, chemical or biological products to be developed on its territory. Andorra does not produce, develop, market, purchase, possess, utilize or have any stockpiles of chemical, biological or nuclear arms or means of delivery for such weapons or even any of these products. It does not possess old chemical, biological or nuclear weapons.

The Principality of Andorra has committed itself to the adoption of laws and regulations which seek to prevent the establishment of industries related to the utilization of nuclear, chemical or biological products in Andorra and punish any violation of the relevant national and international standards. The treaties, laws and procedures which Andorra has adopted provide evidence of this desire.

International treaties and conventions

With respect to international conventions and treaties, Andorra continues to work for the adoption of key international instruments and has made significant progress towards this end since 2005, when the previous report was submitted to the Committee established pursuant to resolution 1540 (2004) (S/AC.44/2004/(02)/19/Add.1). In practical terms, having signed the Comprehensive Nuclear-Test-Ban Treaty on 24 September 1996, Andorra ratified it in 2006. In the same year, it adopted the Convention on the Physical Protection of Nuclear Material. With respect to nuclear weapons, Andorra has not yet ratified the Treaty on the Non-Proliferation of Nuclear Weapons or the safeguards agreements of the International Atomic Energy Agency (IAEA). These instruments are currently being studied.

Paragraph 2 of the resolution

Question 6: Transport of biological, chemical and nuclear weapons

The matrix elaborated by the Committee shows that the information provided by Andorra on the transport of biological, nuclear and chemical weapons in the first two reports was scant. It should be taken into account, first of all, that it is only possible to gain access to Andorra by road. Therefore, all products entering the country arrive either from Spain or from France. Consequently, carriers are obliged to comply with the security, monitoring and licensing measures of Andorra's

neighbours when transporting the materials covered by resolution 1540 (2004), whether biological, chemical or nuclear.

Moreover, Andorra applies the European Agreement concerning the International Carriage of Dangerous Goods by Road. Although Andorra has not ratified the Agreement, the Andorran Highway Code of 1999 states that it is applicable nationwide:

> "199.1. The transport by road of dangerous goods is regulated by the present article; without prejudice to the provisions of the present Code, the European Agreement concerning the International Carriage of Dangerous Goods by Road that was adopted in Geneva on 30 September 1957, supplemented by subsequent decisions and reformulated in the text of 1 January 1995 and by the relevant supplementary regulations, shall be applicable."

The Andorran Highway Code adds that all vehicles to be used for the public or private transport of inflammable or dangerous materials, as well as authorized vehicles which may be used for this purpose, must respect the specific standards applicable in each case. Offices of the appropriate department may, at any time, verify and monitor the application of these standards (Highway Code, art. 199.2).

The Andorran legal system establishes criminal and administrative penalties for crimes involving the transport of sensitive materials, chemical and biological weapons and radioactive materials.

At the administrative level, the Highway Code of Andorra establishes penalties such as those set out in its articles 210 to 212.

With respect to criminal law, the Penal Code of 2005 is most specific on the subject of chemical and biological weapons. Its article 266 on the trafficking and stockpiling of chemical or biological weapons stipulates that: "The production, development, marketing, possession, transfer or stockpiling of chemical or biological weapons or related munitions shall be punished by imprisonment of from six to twelve years". The same article adds that "Marketing shall include acquisition as well as sale, import or export". With respect to nuclear weapons, there is no specific article in the Penal Code on crimes of transporting nuclear weapons as such weapons have never existed in Andorra. However, the Penal Code does take into account possible crimes of transporting nuclear or radioactive materials in its article 254 (articles 253 to 258 deal with radioactive nuclear materials):

> "Article 254 Illicit transport and stockpiling
>
> "Any person who, without due authorization, imports, exports, transports or stockpiles nuclear material or radioactive products that could endanger human life or health shall be punished by imprisonment of from three to eight years.
>
> "Any attempt to commit such an offence shall also be punishable."

Question 11

The Government of Andorra wishes to correct the information provided in previous reports in relation to question 11 of the matrix with reference to paragraph 2 of resolution 1540 (2004). Since the introduction of the new Penal Code of Andorra in 2005, article 336.2 no longer deals with the crime of financing the activities

covered by the resolution. At present, the law applicable to financing offences is the 2001 Act on International Cooperation in Criminal Matters and Prevention of the Laundering of Money or Securities Constituting the Proceeds of International Crime.

Other issues under paragraph 2 on nuclear weapons

– Articles 253 to 258 of the Andorran Penal Code of 2005 deal with crimes relating to nuclear power and serious damage.

"Article 253 Illicit possession

"Whosoever by any means whatsoever is in illicit possession of nuclear material or radioactive products that could endanger human life or health shall be punished by imprisonment of from one to five years.

"If the nuclear material or radioactive products have been stolen by means of violence or intimidation, or through an organized group, a penalty of imprisonment of from three to eight years shall be imposed.

"Article 254 Illicit transport and stockpiling

"Any person who without due authorization imports, exports, transports or stockpiles nuclear material or radioactive products that could endanger human life or health shall be punished by imprisonment of from three to eight years.

"Any attempt to commit such an offence shall also be punishable.

"Article 255 Exposure to radiation

"Whosoever illicitly exposes a person to ionizing radiation in such a manner as to endanger his life or health shall be punished by imprisonment of from five to ten years and disqualification from practising his profession or occupying his post for up to twelve years.

"Any attempt to commit such an offence shall also be punishable.

"Article 256 Disruption of establishments, installations or services

"Whosoever disrupts the functioning of an establishment, installation or service where nuclear material or radioactive products are used in such a manner as to endanger human life or health shall be punished by imprisonment of from one to five years.

"Any attempt to commit such an offence shall also be punishable.

"Article 257 Loss through negligence

"Whosoever through negligence has allowed the removal or loss of nuclear material or radioactive products that could endanger human life or health shall be punished by imprisonment or a fine of up to 60,000 euros.

"Article 258 Emission of radiation through negligence

"Whosoever through negligence has permitted the emission of ionizing radiation that could endanger human life or health shall be punished by imprisonment or a fine of up to 60,000 euros."

Paragraphs 3 (a) and (b) Account for/secure/physically protect

Biological weapons and related materials

- Questions 2 to 9: The Industrial Safety and Quality Act of 22 June 2000 is applicable.
- Question 1: Not applicable, as there is no production in Andorra.
- Questions 13 to 15: Not applicable, as there is no production or genetic engineering.

Chemical weapons and related materials

- Question 1: Not applicable, as there is no production.
- Questions 2 to 5: The Industrial Safety and Quality Act of 22 June 2000 is applicable.
- Question 13: There are no reliability checks as there is no production.
- Question 17: Not applicable, as there are no old chemical weapons.

Nuclear weapons and related materials

- Question 1: Not applicable, as there is no production.
- Questions 2 to 5: Industrial Safety and Quality Act of 22 June 2000.
- Question 13: Not applicable. There are no reliability checks as there is no production.
- Question 14: Industrial Safety and Quality Act of 22 June 2000.
- Question 15: The national regulatory authority is the Department of Industry and Transport within the Ministry of Agriculture and Economic Affairs.
- Questions 17 and 18: The IAEA Code of Conduct on the Safety and Security of Radioactive Sources and the IAEA Illicit Trafficking Database are not applicable in Andorra. However, the departments concerned have established regulations and procedures.

Paragraphs 3 (c) and (d)

With regard to border control, in 2006 Andorra adopted the International Convention on the Harmonized Commodity Description and Coding System, which was already being applied. Together with the risk analyses and statistics prepared by the Customs Department, the Harmonized System has contributed to the establishment of a targeted commodities monitoring mechanism for materials covered by resolution 1540 (2004). Border control consists of exhaustive physical and/or documentary checks of this type of material by customs authorities.

These materials are not monitored only at border posts. Andorran customs authorities also conduct ex post facto controls, as well as end-user controls in warehouses (question 17 of the matrix).

With regard to explosive materials, authorization is required in order to import such materials and is obtained from the Ministry of Agriculture and Economic Affairs, under the supervision of the Customs Department. Moreover, when

detonators or explosives are imported, the Police Service is responsible for accompanying the transport vehicle from the Andorran border to the nation's only munitions warehouse. Subsequent movements of these goods are supervised by the police, who may conduct on-site checks at any time.

The Andorran Customs Department keeps full lists of all imports and exports and is responsible for updating these lists (questions 13 and 14 of the matrix).

It should be noted that the Principality of Andorra is currently drafting legislation governing the export of dual-use elements, which will be identical to the European standards in this regard.

With reference to question 1 of the matrix, since 2004 the Customs Code of Andorra has superseded the Customs Evasion Act of 4 March 1999 cited on pages 4 and 5 of the previous report.

Question 20 of the matrix: With regard to the control of goods in transit, decision 1/2004 of the EC-Andorra Joint Committee established by the agreement between the Principality of Andorra and the European Economic Community stipulates that the Community authorizes the extension to Andorra of the common communication network/common systems interface (CCN/CSI) adopted in Brussels on 29 April 2004. This allows the New Computerised Transit System (NCTS/NSTI), a customs procedure applicable to transit documents which permits European Union and common economic area countries to share information and to trace all goods in transit, to be utilized in Andorra.

Paragraphs 6, 7 and 8 (d) Control lists, assistance, information

- Question 1: Control lists: The Andorran Customs Department keeps full lists of all imports and exports.
- Question 2: There are no other control lists.
- Questions 3 and 4: The Government does not offer assistance and has no knowledge of any request for assistance.
- Question 5: The Government has no assistance programmes in place.
- Questions 6 and 7: There is no information for industry or for the public.

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **Andorra**
Date of report: 27 October 2004
Date of Add.1: 31 October 2005

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements?		*YES*	*If YES, indicate relevant information (e.g. signing, accession, ratification, entering into force, etc.)*	*Remarks (information related to the page of the English version of the report or an official website)*
1	General statement on non-possession of WMD	X	Does not produce weapons of mass destruction	Report, p. 2 Add.1, p. 2
2	General statement on commitment to disarmament and non-proliferation	X	Has always expressed its support for the non-proliferation of weapons of mass destruction	Report, p. 2
3	General statement on non-provision of WMD and related materials to non-State actors	X	Andorra gives no form of support to any non-State actors	Report, p. 3
4	Biological Weapons Convention (BWC)			
5	Chemical Weapons Convention (CWC)	X	Accession on 27 February 2003	Report, p. 7
6	Nuclear Non-Proliferation Treaty (NPT)	X	Accession on 21 November 1995	Report, p. 6
7	Comprehensive Nuclear-Test-Ban Treaty (CTBT)	X	Signature on 24 September 1996 Ratification in 2006	Report, p. 7 Add.2
8	Convention on Physical Protection of Nuclear Material (CPPNM)		Accession approved by the Government and currently being approved by the Parliament	Add.1, p. 2
9	Hague Code of Conduct (HCOC)			
10	Geneva Protocol of 1925			

Disclaimer

"The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to inter-governmental organizations. The matrices are prepared under the direction of the 1540 Committee.

The 1540 Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council Resolution 1540.

The matrices are not a tool for measuring compliance of States in their non-proliferation obligations but for facilitating the implementation of Security Council Resolutions 1540 and 1673. They do not reflect or prejudice any ongoing discussions outside of the Committee, in the Security Council or any of its organs, of a state's compliance with its non-proliferation or any other obligations."

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements?		*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks (information refers to the page of the English version of the report on an official website)*
11	International Atomic Energy Agency (IAEA)		-Agreement between the Principality of Andorra and the International Atomic Energy Agency on the application of safeguards in the framework of the Treaty on the Non-Proliferation of Nuclear Weapons (2001) -Small quantities protocol to the Agreement between the Principality of Andorra and the International Atomic Energy Agency on the application of safeguards in the framework of the Treaty on the Non-Proliferation of Nuclear Weapons (2001) -Additional protocol to the Agreement between the Principality of Andorra and the International Atomic Energy Agency on the application of safeguards in the framework of the Treaty on the Non-Proliferation of Nuclear Weapons (2001)	Report, p. 7
12	Nuclear-Weapons-Free Zone Protocol(s)			
13	Other conventions/treaties		Convention on the Physical Protection of Nuclear Material	Add.2
14	Other arrangements			
15	Other			

OP 2 — Biological Weapons (BW)

State: **Andorra**
Date of report: 27 October 2004
Date of Add.1: 31 October 2005

Does national legislation exist which prohibits persons to conduct to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Export control, customs and police services*		*Remarks*
		YES	If YES, indicate name, chapter or paragraph of legislation	YES	If YES, indicate name or number	
1	Manufacture/produce	X	Decree of 3 July 1989, art. 2	X	Penal Code, arts. 127 and 266	Report, p. 3 Add.1, pp. 2 and 3
2	Acquire	X	Decree of 3 July 1989: purchase	X	Penal Code, art. 266	Add.1, p. 3
3	Possess	X	Decree of 3 July 1989, art. 2	X	Penal Code, art. 266	Report, p. 3 Add.1, pp. 2 and 3
4	Stockpile/store			X	Penal Code, art. 266	Report, p. 3 Add.1, p. 3
5	Develop			X	Penal Code, arts. 265 and 266	Add.1, p. 3
6	Transport	X	Highway Code Penal Code of 2005	X	Arts. [illegible]9, 210-212 Art. 266	Add.2 Add.2
7	Transfer	X	Decree of 3 July 1989	X	Penal Code, arts. 265 and 266	Report, p. 3 Add.1, pp. 2 and 3
8	Use	X	Decree of 3 July 1989, art. 2	X	Penal Code, art. 266	Report, p. 3 Add.1, pp. 2 and 3
9	Participate as an accomplice in a.m. activities			X	Penal Code, art. 23	Add.1, p. 3
10	Assist in a.m. activities					
11	Finance a.m. activities			X	2001 Act on International Cooperation in Criminal Matters and Prevention of the Laundering of Money or Securities Constituting the Proceeds of International Crime	Add.2

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violations be penalized?		National legal framework		Enforcement (criminal penalties and others)		Remarks
		YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
12	A.m. activities related to means of delivery			X	Penal Code, art. 266	Add.1, pp. 2 and 3
13	Involvement of non-State actors in a.m. activities			X	Penal Code	Report, p. 4
14	Other					

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OP 2 — Chemical Weapons (CW)

State: **Andorra**
Date of report: 27 October 2004
Date of Add.1: 31 October 2005

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties and others*		
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	*Remarks*
1	Manufacture/produce	X	1. Constitution, art. 3 2. Decree of 3 July 1989	X	Penal Code, arts. 127 and 265	Report, pp. 3 and 6 Add.1, pp. 2 and 3
2	Acquire	X	1. Constitution, art. 3 2. Decree of 3 July 1989: purchase	X	Penal Code, art. 266	Report, pp. 3 and 6 Add.1, pp. 2 and 3
3	Possess	X	Decree of 3 July 1989, art. 2	X	Penal Code, art. 266	Report, p. 3 Add.1, pp. 2 and 3
4	Stockpile/store	X	Constitution, art. 3	X	Penal Code, art. 266	Report, pp. 3 and 6 Add.1, pp. 2 and 3
5	Develop	X	Constitution, art. 3	X	Penal Code, arts. 265 and 266	Report, p. 6 Add.1, pp. 2 and 3
6	Transport	X	Highway Code Penal Code of 2005	X	Arts. 199 and 210-212 Art. 266	Add.2
7	Transfer	X	1. Constitution, art. 3 2. Decree of 3 July 1989	X	Penal Code, arts. 265 and 266	Report, pp. 3 and 6 Add.1, pp. 2 and 3
8	Use	X	1. Constitution, art. 3 2. Decree of 3 July 1989, art. 2	X	Penal Code, art. 266	Report, pp. 3 and 6 Add.1, pp. 2 and 3
9	Participate as an accomplice in a.m. activities			X	Penal Code, art. 23	Add.1, p. 3
10	Assist in a.m. activities	X	Constitution, art. 3			Report, p. 6

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
11	Finance a.m. activities			X	2001 Act on International Cooperation in Criminal Matters and Prevention of the Laundering of Money or Securities Constituting the Proceeds of International Crime	Add.1, p. 3 Add.2
12	A.m. activities related to means of delivery			X	Penal Code, art. 266	Add.1, pp. 2 and 3
13	Involvement of non-State actors in a.m. activities			X	Penal Code	Report, p. 4
14	Other					

OP 2 — Nuclear Weapons (NW)

State: **Andorra**
Date of report: 27 October 2004
Date of Add.1: 31 October 2005

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties and others*		
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	*Remarks*
1	Manufacture/produce	X	1. Constitution, art. 3 2. Decree of 3 July 1989	?	Penal Code, art. 266	Report, pp. 3 and 6
2	Acquire	X	1. Constitution, art. 3 2. Decree of 3 July 1989: purchase			Report, pp. 3 and 6 Add.1, p. 3
3	Possess	X	Decree of 3 July 1989	X	Penal Code, art. 253	Report, p. 3 Add.1, p. 3
4	Stockpile/store			?	Penal Code, art. 254	Report, p. 3
5	Develop					
6	Transport	X	Highway Code Penal Code	X	Arts. 199 and 210-212 Art. 254	
7	Transfer	X	1. Constitution, art. 3 2. Decree of 3 July 1989			Report, pp. 3 and 6
8	Use	X	Decree of 3 July 1989			Report, p. 3 Add.1, p. 3
9	Participate as an accomplice in a.m. activities					
10	Assist in a.m. activities					
11	Finance a.m. activities			X	2001 Act on International Cooperation in Criminal Matters and Prevention of the Laundering of Money or Securities Constituting the Proceeds of International Crime	Add.1, p. 3

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
12	A.m. activities related to means of delivery					
13	Involvement of non-State actors in a.m. activities			X	Penal Code, art. 253	Report, p. 3 Add.1, p. 3
14	Other					

OP 3 (a) and (b) — Account for/Secure/Physically protect BW including Related Materials

State: **Andorra**

Date of report: 27 October 2004

Date of Add.1: 31 October 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement - civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
1	Measures to account for production		N/A (no production)			
2	Measures to account for use		Industrial Safety and Quality Act of 22 June 2000			
3	Measures to account for storage		Industrial Safety and Quality Act of 22 June 2000			
4	Measures to account for transport		Industrial Safety and Quality Act of 22 June 2000			
5	Other measures for accounting		None			
6	Measures to secure production	X	1. Sensitive Materials Control Act 2. Industrial Safety and Quality Act of 22 June 2000	X	1. Sensitive Materials Control Act 2. Penal Code	Report, pp. 3-5 Add.1, pp. 4 and 5
7	Measures to secure use	X	Industrial Safety and Quality Act of 22 June 2000			Add.1, p. 4
8	Measures to secure storage	X	1. Sensitive Materials Control Act 2. Industrial Safety and Quality Act of 22 June 2000	X	1. Sensitive Materials Control Act 2. Penal Code	Report, pp. 3-5 Add.1, pp. 4 and 5
9	Measures to secure transport	X	1. Sensitive Materials Control Act 2. Industrial Safety and Quality Act of 22 June 2000	X	1. Sensitive Materials Control Act 2. Penal Code	Report, pp. 3-5 Add.1, pp. 4 and 5
10	Other measures for securing		None			
11	Regulations for physical protection of facilities/ materials/transports	X	1. Sensitive Materials Control Act 2. Industrial Safety and Quality Act of 22 June 2000	X	1. Sensitive Materials Control Act 2. Penal Code 3. Inspection and monitoring enterprises	Report, pp. 3-5 Add.1, pp. 4 and 5

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
12	Licensing/registration of facilities/persons handling biological materials	X	1. General Health Act of 20 March 1989 2. Industrial Safety and Quality Act of 22 June 2000	X	Penal Code	Report, pp. 5 and 6 Add.1, p. 4
13	Reliability check of personnel		N/A			
14	Measures to account for/secure/ physically protect means of delivery			X	Penal Code, art. 127	Add.1, p. 2
15	Regulations for genetic engineering work		N/A (no genetic engineering)			
16	Other legislation/regulations related to safety and security of biological materials					
17	Other					

OP 3 (a) and (b) — Account for/Secure/Physically protect CW including Related Materials

State: **Andorra**

Date of report: 27 October 2004

Date of Add.1: 31 October 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
1	Measures to account for production		N/A (no production)			
2	Measures to account for use		Industrial Safety and Quality Act of 22 June 2000			
3	Measures to account for storage		Industrial Safety and Quality Act of 22 June 2000			
4	Measures to account for transport		Industrial Safety and Quality Act of 22 June 2000			
5	Other measures for accounting					
6	Measures to secure production	X	1. Sensitive Materials Control Act 2. Industrial Safety and Quality Act of 22 June 2000	X	1. Sensitive Materials Control Act 2. Penal Code	Report, pp. 3-5 Add.1, pp. 4 and 5
7	Measures to secure use	X	Industrial Safety and Quality Act of 22 June 2000			Report, p. 5 Add.1, p. 4
8	Measures to secure storage	X	1. Sensitive Materials Control Act 2. Industrial Safety and Quality Act of 22 June 2000	X	1. Sensitive Materials Control Act 2. Penal Code	Report, pp. 3-5 Add.1, pp. 4 and 5
9	Measures to secure transport	X	1. Sensitive Materials Control Act 2. Industrial Safety and Quality Act of 22 June 2000	X	1. Sensitive Materials Control Act 2. Penal Code	Report, pp. 3-5 Add.1, pp. 4 and 5
10	Other measures for securing					

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
11	Regulations for physical protection of facilities/ materials/transports	X	1. Sensitive Materials Control Act 2. Industrial Safety and Quality Act of 22 June 2000	X	1. Sensitive Materials Control Act 2. Penal Code 3. Inspection and monitoring enterprises	Report, pp. 3-5 Add.1, p. 4
12	Licensing of chemical installations/entities/use of materials	X	Industrial Safety and Quality Act of 22 June 2000	X	1. Regular monitoring by the Department of Industrial Security 2. Penal Code 3. Sensitive Materials Control Act	Report, pp. 3-5 Add.1, pp. 4 and 5
13	Reliability check of personnel		N/A			
14	Measures to account for/secure/ physically protect means of delivery			X	Penal Code, art. 127	Add.1, p. 2
15	National CWC authority	X	Transportation and Energy Service			Add.1, p. 5
16	Reporting Schedule I, II and III chemicals to OPCW	X	Annual declaration			Report, p. 7
17	Account for, secure or physically protect old chemical weapons		N/A (no old weapons)			
18	Other legislation/regulations controlling chemical materials					
19	Other					

OP 3 (a) and (b) — Account for/Secure/Physically protect NW including Related Materials

State: **Andorra**

Date of report: 27 October 2004

Date of Add.1: 31 October 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
1	Measures to account for production		N/A (no production)			
2	Measures to account for use		Industrial Safety and Quality Act of 22 June 2000			
3	Measures to account for storage		Industrial Safety and Quality Act of 22 June 2000			
4	Measures to account for transport		Industrial Safety and Quality Act of 22 June 2000			
5	Other measures for accounting					
6	Measures to secure production	X	1. Sensitive Materials Control Act 2. Industrial Safety and Quality Act of 22 June 2000	X	1. Sensitive Materials Control Act 2. Penal Code	Report, pp. 3-5 Add.1, pp. 4 and 5
7	Measures to secure use	X	1. Sensitive Materials Control Act 2. Industrial Safety and Quality Act of 22 June 2000			Report, pp. 3-5 Add.1, pp. 4 and 5
8	Measures to secure storage	X	1. Sensitive Materials Control Act 2. Industrial Safety and Quality Act of 22 June 2000	X	1. Sensitive Materials Control Act 2. Penal Code	Report, pp. 3-5 Add.1, pp. 5 and 6
9	Measures to secure transport	X	1. Sensitive Materials Control Act 2. Industrial Safety and Quality Act of 22 June 2000	X	1. Sensitive Materials Control Act 2. Penal Code	Report, pp. 3-5 Add.1, pp. 5 and 6
10	Other measures for securing					

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NB and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
11	Regulations for physical protection of facilities/ materials/transports	X	1. Sensitive Materials Control Act 2. Industrial Safety and Quality Act of 22 June 2000	X	1. Sensitive Materials Control Act 2. Penal Code 3. Inspection and monitoring enterprises	Report, pp. 3-5 Add.1, pp. 4-6
12	Licensing of nuclear installations/entities/use of materials	X	Industrial Safety and Quality Act of 22 June 2000	X	1. Regular monitoring by the Department of Industrial Security 2. Penal Code 3. Sensitive Materials Control Act	Report, pp. 3-6 Add.1, pp. 4 and 5
13	Reliability check of personnel		N/A			
14	Measures to account for/secure/ physically protect means of delivery					
15	National regulatory authority		Department of Industry and Transport			
16	IAEA Safeguards Agreements	X	1. Safeguards agreement signed on 9 January 2001 2. Additional protocol signed on 9 January 2001			Report, pp. 6 and 7 Add.1, p. 2
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources		N/A, but Andorra has procedures for ensuring the safety and security of radioactive sources			
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources		N/A			
19	Other agreements related to IAEA					
20	Additional national legislation/ regulations related to nuclear materials including CPPNM					
21	Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of BW including Related Materials

State: **Andorra**

Date of report: 27 October 2004

Date of Add.1: 31 October 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control	X	1. Customs regulations 2. Customs Code of 2004, which supersedes the Customs Evasion Act of 4 March 1999	X	Customs Code of 2004, which supersedes the Customs Evasion Act of 4 March 1999	Report, pp. 4 and 5 Addendum
2	Technical support of border control measures					
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology			X	Penal Code, art. 99	Report, p. 4
4	Enforcement agencies/authorities			X	Customs Department	Report, p. 4
5	Export control legislation in place	X	Sensitive Materials Control Act	X	1. Penal Code, arts. 96, 98, 289 and 290 2. Sensitive Materials Control Act	Report, pp. 3 and 4 Add.1, p. 5
6	Licensing provisions	X	Sensitive Materials Control Act, arts. 3 and 4	X	Sensitive Materials Control Act, arts. 9 and 10	Report, p. 4 Add.1, p. 5
7	Individual licensing	X	Sensitive Materials Control Act, arts. 3 and 4	X	Sensitive Materials Control Act, arts. 9 and 10	Sensitive Materials Control Act
8	General licensing		No general licensing			
9	Exceptions from licensing					
10	Licensing of deemed export/visa					
11	National licensing authority	X	Ministry of Finance, Customs Department			Report, p. 4
12	Inter-agency review for licences					
13	Control lists		Ministry of Finance, Customs Department			

S/AC.44/2004/02/19/Add.2

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
14	Updating of lists		Ministry of Finance, Customs Department			
15	Inclusion of technologies					
16	Inclusion of means of delivery					
17	End-user controls	X	Ministry of Finance, Customs Department			
18	Catch-all clause					
19	Intangible transfers					
20	Transit control		Decision 1/2004 of the EC-Andorra Joint Committee	X	Penal Code, arts. 289 and 290	Report, pp. 3 and 4 Add.2
21	Trans-shipment control					
22	Re-export control	X	Ministry of Finance, Customs Department			
23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	X	Sensitive Materials Control Act	X	Penal Code, arts. 96, 98, 99, 289 and 290	Report, pp. 3 and 4
26	Extraterritorial applicability					
27	Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of CW including Related Materials

State: **Andorra**

Date of report: 27 October 2004

Date of Add.1: 31 October 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control	X	1. Customs regulations 2. Customs Code of 2004, which supersedes the Customs Evasion Act of 4 March 1999	X	Customs Code of 2004, which supersedes the Customs Evasion Act of 4 March 1999	Report, pp. 4 and 5 Add.2
2	Technical support of border control measures				Physical and documentary checks	Add.2
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology			X	Penal Code, art. 99	Report, p. 4
4	Enforcement agencies/authorities		Ministry of Finance, Customs Department	X	Customs Department	Report, p. 4
5	Export control legislation in place	X	Sensitive Materials Control Act	X	1. Penal Code, arts. 96, 98, 289 and 290 2. Sensitive Materials Control Act	Report, pp. 3 and 4 Add.1, p. 5
6	Licensing provisions	X	Sensitive Materials Control Act, arts. 3 and 4	X	Sensitive Materials Control Act, arts. 9 and 10	Report, p. 4 Add.1, p. 5
7	Individual licensing	X	Sensitive Materials Control Act, arts. 3 and 4	X	Sensitive Materials Control Act, arts. 9 and 10	Sensitive Materials Control Act
8	General licensing					
9	Exceptions from licensing					
10	Licensing of deemed export/visa					
11	National licensing authority	X	Ministry of Finance, Customs Department			Report, p. 4
12	Inter-agency review for licences					

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
13	Control lists		Ministry of Finance, Customs Department			
14	Updating of lists		Ministry of Finance, Customs Department			
15	Inclusion of technologies					
16	Inclusion of means of delivery					
17	End-user controls		Ministry of Finance, Customs Department			
18	Catch-all clause					
19	Intangible transfers					
20	Transit control		Decision 1/2004 of the EC-Andorra Joint Committee	X	Penal Code, arts. 289 and 290	Report, pp. 3 and 4 Add.2
21	Trans-shipment control					
22	Re-export control		Ministry of Finance, Customs Department			
23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	X	Sensitive Materials Control Act	X	Penal Code, arts. 96, 98, 99, 289 and 290	Report, pp. 3 and 4
26	Extraterritorial applicability					
27	Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of NW including Related Materials

State: **Andorra**

Date of report: 27 October 2004

Date of Add.1: 31 October 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control	X	1. Customs regulations 2. Customs Code of 2004, which supersedes the Customs Evasion Act of 4 March 1999	X	Customs Code of 2004, which supersedes the Customs Evasion Act of 4 March 1999	Report, pp. 3 and 4 Add.2
2	Technical support of border control measures				Physical and documentary checks by customs authorities	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology			X	Penal Code, art. 99	Report, p. 4
4	Enforcement agencies/authorities			X	Customs Department	Report, p. 4
5	Export control legislation in place	X	Sensitive Materials Control Act	X	1. Penal Code, arts. 96, 98, 289 and 290 2. Sensitive Materials Control Act	Report, pp. 3 and 4 Add.1, p. 5
6	Licensing provisions	X	Sensitive Materials Control Act, arts. 3 and 4	X	Sensitive Materials Control Act, arts. 9 and 10	Add.1, p. 5 Sensitive Materials Control Act
7	Individual licensing	X	Sensitive Materials Control Act, arts. 3 and 4	X	Sensitive Materials Control Act, arts. 9 and 10	
8	General licensing		No general licensing, only specific			
9	Exceptions from licensing					
10	Licensing of deemed export/visa					
11	National licensing authority	X	Ministry of Finance, Customs Department			Report, p. 4
12	Inter-agency review for licences					

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
13	Control lists		Ministry of Finance, Customs Department			
14	Updating of lists		Ministry of Finance, Customs Department			
15	Inclusion of technologies					
16	Inclusion of means of delivery					
17	End-user controls		Ministry of Finance, Customs Department			
18	Catch-all clause					
19	Intangible transfers					
20	Transit control		Decision 1/2004 of the EC-Andorra Joint Committee	X	Penal Code, arts. 289 and 290	Report, pp. 3 and 4 Add.2
21	Trans-shipment control					
22	Re-export control		Ministry of Finance, Customs Department			
23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	X	Sensitive Materials Control Act	X	Penal Code, arts. 96, 98, 99, 289 and 290	Report, pp. 3 and 4
26	Extraterritorial applicability					
27	Other					

OP 6, 7 and 8 (d) — Control lists, Assistance, Information

State: **Andorra**
Date of report: 27 October 2004
Date of Add.1: 31 October 2005

Can information be provided on the following issues?		*YES*		*Remarks*
1	Control lists — items (goods/equipment/materials/ technologies)		Exhaustive lists of imports and exports — Customs Department	
2	Control lists — other			
3	Assistance offered.		No assistance offered	
4	Assistance requested		No assistance requested	
5	Assistance in place (bilateral/ plurilateral/multilateral)		No assistance in place	
6	Information for industry		Information is provided by the relevant ministry on a case-by-case basis	Virtually no requests
7	Information for the public		Information is provided by the relevant ministry on a case-by-case basis	Virtually no requests